

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DEMOND P. SHEPARD, #1043311	§	
	§	
V.	§	CIVIL ACTION NO. G-05-340
	§	
DOUG DRETKE, DIRECTOR,	§	
TEXAS DEPARTMENT OF CRIMINAL	§	
JUSTICE, CORRECTIONS	§	
INSTITUTIONS DIVISION	§	

**ORDER OF DISMISSAL**

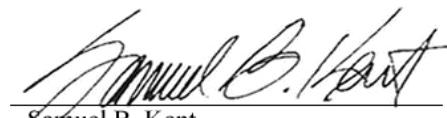
Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on October 6, 2005, which recommends that the Application for Writ of Habeas Corpus of DeMond P. Shepard be dismissed. Shepard has filed objections to the Report and Recommendation, arguing that the evidence submitted at his disciplinary hearing was insufficient to support a verdict of guilt. Shepard also introduces additional facts surrounding the violation for which he was charged, which, he opines, casts a shadow on the validity of the charging officer's and witness reports.

As correctly stated by the Magistrate Judge, a prison disciplinary proceeding will not be overturned unless there is *no evidence* to support the decision of the disciplinary court. A *de novo* factual review is not required. Having reviewed the evidence in this case, this Court is of the opinion that the findings made by the disciplinary court are amply supported by the record.

Having given this matter *de novo* review as required by 28 U.S.C. §636 (b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of federal law and should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein.

It is **ORDERED** that the Application for Writ of Habeas Corpus of DeMond P. Shepard is **DENIED** and this cause is **DISMISSED** with prejudice.

**DONE** at Galveston, Texas, this the 30<sup>th</sup> day of November, 2005.



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Samuel B. Kent  
United States District Judge